

# Murder defendant's mental state ties lawyers, judge into semantic knots

By SEAN ROBINSON

Staff writer  
January 12, 2014  
The News Tribune

Can a mentally ill man charged with murder be forced to plead insanity against his will?

The idea — a rare legal concept — faces an upcoming test in Pierce County Superior Court, against the backdrop of a notorious local slaying. The outcome could mean the difference between long-term confinement and a mother's recurring nightmare.

On Oct. 25, 2012, by his own admission, Jonathan Meline chopped his father to death with a hatchet at the family home in Tacoma. He was charged with first-degree murder.

According to court records and testimony, Meline, 30, believes his parents were replaced with evil duplicates — part of a worldwide child-killing conspiracy led by the mysterious Illuminati. As far as he's concerned, the doctors, the jailers, the judge and the lawyers are all part of the plot. He knows their roles. He thinks they're tools.

More than a year later, the legal battle over Meline's mental status rolls on. His defense attorneys have argued he's incompetent to stand trial because he can't assist his lawyers. Prosecutors have argued the opposite.

In August, Judge John Hickman ruled for competence. On Thursday, Hickman ruled the same way after defense attorneys took another shot.

"This court believes that (Meline) is competent to stand trial," the judge said. "I don't believe that there's any new evidence that would make me change my mind."

The distinction matters: Incompetence is a potential short road to freedom. Competence, and a possible verdict of not guilty by reason of insanity, leads to possible lifelong treatment at Western State Hospital in Lakewood.

If Meline is found incompetent, prosecutors could be forced to dismiss charges against him. He likely would go to the civil side of Western State, with the possibility of release in six months.

That's what happened to Meline after he tried to run a man over with a stolen car in 2010. Charged with robbery, he was found incompetent to stand trial after months of legal wrangling. He was released from Western State in January 2012, with no explanation or supervision, his delusions unchanged. He killed his father 10 months later.

Meline could plead not guilty by reason of insanity — the rational option, and a choice his attorneys have discussed with him. So far, he refuses to consider it, according to court records and testimony.

He wouldn't mind going to state prison. He's willing to plead guilty and let it go, get it over with: a mock trial, everyone following orders. It doesn't matter. God will free him.

That was the takeaway from his latest psychological evaluation, conducted by Dr. Les Hutchens, a Western State psychologist who testified in court last week.

“(Meline) noted that it didn't really matter what his legal defense was, what his legal strategy was,” Hutchens said. “Because we were all agents of the Illuminati. It didn't matter, because he was going to be freed by God.”

One thing Meline refuses to do: plead insanity. In his view, the conspirators just want him to change his story, to lie, to check their little box, to say he's mentally ill.

He won't. Psychological treatment hasn't changed his mind. His mind hasn't changed in a decade.

Diagnosed with paranoid schizophrenia, Meline has a long history of mental illness that includes more than 300 contacts with the Pierce County mental health system since 2004, and additional brushes in King and Thurston counties, according to court records.

Thus the dilemma: Meline's attorneys say his delusions make it impossible for him to assist in his defense and receive a fair trial.

“You can be delusional about whether Santa Claus comes down the chimney and that doesn't have any impact on assisting the defense and directing your attorneys,” said Edward DeCosta, one of Meline's public defenders. “In this particular case, Mr. Meline's delusions directly impact his ability. He does not believe that he has any mental health issues. He does not want to enter a plea” of not guilty by reason of insanity.

Deputy prosecutor Steve Penner sees it differently.

“He understands what he did, and why he's charged. He has a factual understanding. The issue is rationally assisting his attorney, which is kind of nebulous — when does this rise to the level of incompetence?”

In his ruling last week, Judge Hickman veered away from incompetence. The point of such a finding is an effort to restore competence, to make Meline well enough to understand his best interests and return for trial — but that hasn't worked.

“I don't think a restoration attempt would be fruitful — this gentleman has had the same diagnosis for a number of years,” Hickman said. “The fact that he allegedly murdered his father

within four to six months after his last release from Western State Hospital shows you what type of restoration is possible — which is, in my opinion, none.”

That sets the stage for an unusual argument scheduled for Jan. 24. Hickman is pondering a ruling that allows the court to enter an insanity plea on Meline’s behalf.

“Under federal law that I have read — there is a criteria and an analysis that the court must go through,” he said. “I am entertaining the idea of entering that type of defense.”

Meline’s attorneys will research the question as well. They recognize that an insanity defense is a viable option — but their duty to act in Meline’s interests presents a possible conflict.

“We have an obligation to do what the client wants to do, not what we necessarily want to do — and that’s part of the issue in this,” said defense attorney Michael Kawamura. “So we’re gonna have to do a little bit of research — this is obviously something that doesn’t happen all the time.”

Kim Meline, the defendant’s mother, knows what she’d like to see. When she learned her son’s attorneys were pushing for incompetency again, her nightmares returned.

“In my ideal world I would hear he will never be released from wherever,” she said last week. “That’s really what I would like to hear.”

Kim’s mother, Evy McNeal, feels the same way.

“He thinks he’s going to be released by God,” she said. “Let him wait for that. The rest of us need to know that he’s never going to get out again.”

Read more here: <http://www.thenewstribune.com/2014/01/12/2989646/murder-defendants-mental-state.html#storylink=cpy>